

D.K., Appellant

**DEPARTMENT OF JUSTICE, U.S. MARSHALS
SERVICE, Corpus Christi, TX, Employer**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

Before:

On December 15, 2021 appellant filed an appeal from a February 16, 2021 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0285.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.²

The 180th day following the February 16, 2021 decision was August 15, 2021. As appellant did not file an appeal with the Board until December 15, 2021, more than 180 days after the February 16, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-0285 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

² *Id.* at § 501.3(e).

a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."³

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0285 is dismissed.

Issued: December 28, 2021
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

³ *Id.* at § 501.6(d).